

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

GARY LEE DEFLUITER,

Petitioner,

v.

TIMOTHY BRUNSMAN, Warden,

Respondent.

CASE NO. 2:06-cv-274

JUDGE HOLSCHUH

MAGISTRATE JUDGE ABEL

OPINION AND ORDER

On November 24, 2006, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus be dismissed as barred by the one year statute of limitations under 28 U.S.C. §2254. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. Doc. No. 13. Petitioner contends that this action is timely because he challenges the jurisdiction of the state courts. Pursuant to 28 U.S.C. 636(b)(1), this Court has conducted a *de novo* review of the *Report and Recommendation*.

For the reasons detailed in the Magistrate Judge's *Report and Recommendation*, petitioner's objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED AND AFFIRMED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

Date: December 18, 2006

/s/ John D. Holschuh
JOHN D. HOLSCHUH
United States District Judge